

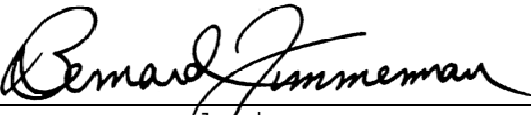
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FANG-YUH HSIEH,)	
)	
Plaintiffs,)	No. C06-5281 PJH (BZ)
)	
v.)	
)	ORDER GRANTING DEFENDANT'S
R. JAMES NICHOLSON,)	MOTION TO COMPEL
)	PSYCHOLOGICAL EXAMINATION OF
Defendants.)	PLAINTIFF
)	
)	
)	

Before the court is defendant's motion to compel plaintiff to submit to a psychological examination pursuant to Rule 35. Having reviewed the papers submitted by both sides, I find no need for oral argument. I find that plaintiff has sufficiently placed his mental condition in controversy by the facts that he sought psychiatric treatment for his claimed distress and seeks damages for mental distress. The fact that he has elected to cut off his distress claim in 2002 does not alter the fact that he has placed his mental condition in controversy for an earlier period. I further find, that given the declaration of Dr. Raffle, an examination may lead to the

1 discovery of evidence admissible on the issue of what caused
2 the distress which plaintiff reports experiencing. For these
3 reasons, **IT IS ORDERED** that defendant's motion is **GRANTED** and
4 that plaintiff appear for a psychological examination at the
5 office of Steven Raffle, M.D., 350 Third St., Suite 500,
6 Oakland, California by no later than **September 15, 2007**. If
7 plaintiff wishes to avoid this examination, he is free to
8 withdraw his entire claim for emotional distress.

9 Dated: August 9, 2007

10 

11 Bernard Zimmerman
12 United States Magistrate Judge

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